

**MOUNTAIN VIEW ORCHARDS BLOCK 15, LOT 17A, AP  
TWO-LOT FIRST MINOR SUBDIVISION**

**STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

**CASE PLANNER:** Jennifer De Groot *JD*

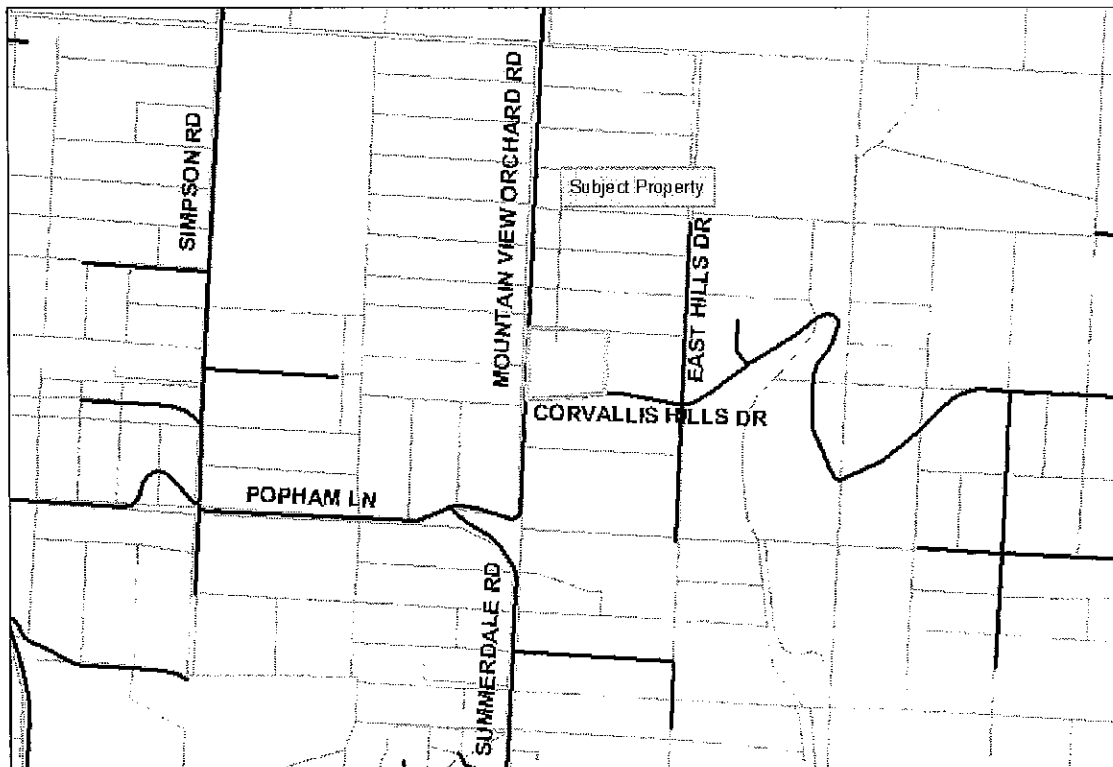
**REVIEWED/  
APPROVED BY:** Randy Fifrick *RF*

**PUBLIC MEETINGS:** BCC Public Meeting: 9:00 a.m. December 29, 2008  
Deadline for BCC action (35 working days): January 12, 2009

**SUBDIVIDER:** John & Tina DeVries  
778 Moraine Drive  
Hamilton, MT 59840

**REPRESENTATIVE:** Terry Nelson  
Applebury Survey  
914 US Highway 93  
Victor, MT 59875

**LOCATION OF REQUEST:** The property is located northeast of Corvallis off Corvallis Hills Drive.  
(See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

Section 23, T7N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined sufficient on November 19, 2008. Agencies were notified of the subdivision on June 6, 2008, and December 9, 2008. Comments received from agencies are Exhibits A-1 through A-13 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

**LEGAL NOTIFICATION:**

Notice of the project was posted on the property and adjacent property owners were notified by regular mail dated December 9, 2008. No public comments have been received to date.

**DEVELOPMENT  
PATTERN:**

Subject property:	Vacant Rural
North:	Agricultural Rural
South:	Residential Rural & Proposed Subdivision
East:	Vacant Rural
West:	Vacant Rural & Residential Rural

**INTRODUCTION**

The subdivision proposal is for two lots on 8.05 acres. The subject property has been previously used as pastureland. The property is vacant and is proposed for single-family dwellings. An irrigation ditch runs through the interior of the property. Approximately 2.5 out of the 8 acres of soils on the property are described as "Prime farmland if irrigated" by the Natural Resources Conservation Service.

*Staff recommends conditional approval of the subdivision proposal.*

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS  
DECEMBER 29, 2008**

**MOUNTAIN VIEW ORCHARDS BLOCK 15, LOT 17A, AP  
TWO-LOT FIRST MINOR SUBDIVISION**

**PLANNING STAFF RECOMMENDED MOTION**

That the Mountain View Orchards Block 15, Lot 17A, AP First Minor Subdivision be approved, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

**PLANNING STAFF RECOMMENDED CONDITIONS**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

***Notification of Irrigation Easement.*** Within this subdivision there is an irrigation easement, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. The Bitterroot Irrigation District must approve any relocation or alteration (e.g. installation of a culvert) of the irrigation canals, ditches, and pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

***Notification of Water Rights.*** Lots within this subdivision do not have any water rights. Taking water without a water right for any purpose is illegal. (*Section 3-2-8(a) and Section 3-2-8(b)(v), Effects on Agricultural Water User Facilities*)

***Limitation of Access onto a Public Road.*** A "no-ingress/egress" restriction exists along the Mountain View Orchards Road frontage of the subdivision. All lots within this subdivision must access off Corvallis Hills Drive. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

***Notification of Road Maintenance Agreement.*** Corvallis Hills Drive is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for the road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)

***Notification of Wood Stove Effects on Air Quality.*** The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly

encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (Section 3-2-8(b)(v)(B), RCSR, *Effects on the Natural Environment*)

**Notification of Lighting for New Construction.** To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit [www.darksky.org](http://www.darksky.org). (Section 3-2-8(b)(v)(B), RCSR, *Effects on Natural Environment and Public Health & Safety*)

**Notification of Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v)(B), RCSR, *Effects on Public Health & Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

**Waiver of Protest to Creation of RSID/SID.** Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (Section 3-2-8(b)(v), RCSR, *Effects on Local Services and Public Health and Safety*)

**Living with Wildlife.** Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as elk, mule deer, white-tailed deer, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov). (Section 3-2-8(b)(v), RCSR, *Effects on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)
- c. All **garbage** should be stored in bear-resistant containers or indoors. If stored indoors, garbage may not be taken outdoors until the morning of garbage pick-up and containers must be brought back in that evening. Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash storage sites. (If home sites are occupied seasonally, all garbage from the home and other buildings must be removed from the property before closing up for the season.)
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer can attract mountain lions to the area.
- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.

- i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecue grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.
- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with the decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)
- l. **Apiaries (bee hives)** could attract bears in this area. If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.
- m. These "living with wildlife" covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

**Control of Noxious Weeds.** A noxious weed evaluation form has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment*)

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The Corvallis Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Access Requirements for Lots within this Subdivision.** The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Archeological Resources.** If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

**Amendment.** Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Section 3-2-8(b)(v), RCSR, Effects on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for all lots. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot. Alternatively, the subdividers may provide evidence that a \$900-per-lot contribution has been submitted to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
7. The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Corvallis School District. The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
8. The applicant shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety)*
9. If a road maintenance agreement (RMA) exists for Corvallis Hills Drive prior to final plat approval, the applicant shall submit a supplement to the existing RMA stating that the owners of the lots within the Mountain View Orchards Block 15, Lot 17A, AP Subdivision are party to the RMA. If there are no existing road maintenance agreements for Corvallis Hills Drive, the applicant shall submit a new road maintenance agreement for Corvallis Hills Drive that states that other parcels that may have beneficial use of the road shall be allowed to join as members of the agreement without the consent of the current members. *(Section 3-2-8(b)(v)(B), RCSR, Final Plat Requirement 14, Effects on Local Services)*
10. The final plat shall show a no-ingress/egress zone along the Mountain View Orchards frontage of the subdivision, as shown on the preliminary plat. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety)*

11. The applicant shall provide for an additional 5 feet of public road and utility easement along the Mountain View Orchards Road frontage of the subdivision on the final plat. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
12. The applicant shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on loss of prime farmland. The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

#### **FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)**

*The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.*

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
  - a. Project name
  - b. Title block
  - c. Certificate of registered owner – notarized
  - d. Certificate of registered land surveyor with seal
  - e. Certificate of governing body approval
  - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
  - g. Certificate of public dedication
  - h. Other certifications as appropriate
  - i. North arrow
  - j. Graphic scale
  - k. Legal description
  - l. Property boundaries (bearings, lengths, curve data)
  - m. Pertinent section corners and subdivision corners
  - n. Names of adjoining subdivisions/certificates of survey
  - o. Monuments found
  - p. Witness monuments
  - q. Acreage of subject parcel
  - r. Curve data (radius, arc length, notation of non-tangent curves)
  - s. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
  - t. Lots and blocks designated by number (dimensions/acreage)
  - u. Easements/rights of ways (location, width, purpose, ownership)
  - v. Dedication for public use
  - w. No-ingress/egress zones
  - x. Water resources (rivers, ponds, etc.)
  - y. Floodplains
  - z. Irrigation canals including diversion point(s), etc.
  - aa. High-pressure gas lines
  - bb. Existing and new roads (names, ownership, etc.)
  - cc. Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.



- dd. The applicant shall provide for an additional 5 feet of public road and utility easement along the Mountain View Orchards Road frontage of the subdivision on the final plat.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
  4. Any variance decisions shall be submitted with the final plat submittal.
  5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
  6. The final plat review fee shall be submitted with the final plat submittal.
  7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
  8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
  9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
  10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
  11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
  12. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineering plans.
  13. Utility availability certification(s) shall be submitted with the final plat submittal.
  14. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
  15. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch.
  16. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
  17. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
  18. A copy of the letter sent to the Corvallis School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
  19. The applicant shall pay the pro rata share of the cost to improve the portion of Popham Lane and Mountain View Orchards Road leading to the subdivision prior to final plat approval. (Section 5-4-5(d), RCSR)
  20. Evidence that the improvement has been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).
    - a. The specific infrastructure improvement required for this subdivision is water supply that meets the requirements of the Corvallis Fire District (if cash is not contributed in lieu of).

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PREREQUISITES TO APPROVAL**

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

#### **A. Provides easements for the location and installation of any planned utilities.**

##### **Findings of Fact**

1. Existing utilities are located along Mountain View Orchards Road and Corvallis Hills Drive. (MVO Block 15, Lot 17A, AP Subdivision Application)
2. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

##### **Conclusion of Law**

The proposed subdivision application provides for utility easements.

#### **B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.**

##### **Findings of Fact**

1. The subdivision is accessed by Popham Lane, Mountain View Orchards Road, and Corvallis Hills Drive. (MVO Block 15, Lot 17A, AP Subdivision Application)
2. Popham Lane and Mountain View Orchards Road are County-maintained roads, which provide legal and physical access. (RCSR – Exhibit A)
3. Corvallis Hills Drive is a non-County-maintained road within a public easement that provides legal and physical access. (MVO Block 15, Lot 17A, AP Subdivision File)
4. In an email dated October 1, 2008, David Ohnstad, the Ravalli County Road and Bridge Supervisor, stated that Orchard Hills Drive conforms to current county road standards, for this subdivision only. (Exhibit A-1)
5. The applicant is required to pay the pro rata share of the cost to improve the portions of Mountain View Orchards Road and Popham Lane leading to the subdivision to meet County standards. The preliminary pro rata estimate included in the application projects that the applicant will be required to contribute approximately \$3,828.66 in pro rata funds. (RCSR and MVO Block 15, Lot 17A, AP Subdivision Application)
6. *To ensure legal and physical access to the subdivision, the applicant is required to pay the pro rata share of the cost to improve the portions of Popham Lane and Mountain View Orchards Road leading to the subdivision prior to final plat approval. (Final Plat Requirement 19)*

##### **Conclusion of Law**

With the requirement of final plat approval, legal and physical access will be provided via Popham Lane, Mountain View Orchards Road, and Corvallis Hills Drive.

#### **C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

##### **Finding of Fact**

*The applicant is required to submit evidence that the following improvement has been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirement 20):*

- a. *The specific infrastructure improvement required for this subdivision is a water supply that meets the requirements of the Corvallis Fire District (if cash is not contributed in lieu of).*

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

**D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
  - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
  - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
  - (iii) reserve and sever all surface water rights from the land.
2. There are no irrigation water rights associated with the subject property. (MVO Block 15, Lot 17A, AP Subdivision Application)
3. An irrigation ditch runs through both proposed subdivision lots, but the applicant does not have the right to take water from the irrigation ditch. (MVO Block 15, Lot 17A, AP Subdivision Application)
4. *Condition 1 notifies individual lot owners that they do not have the right to take water from the irrigation ditch on the property.*

Conclusion of Law

With the mitigating condition of approval, this prerequisite has been met.

**E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
  - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
  - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
  - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.

2. An irrigation ditch runs through both lots of the proposed subdivision. (MVO Block 15, Lot 17A, AP Subdivision Application)
3. The applicant is proposing a 10-foot wide irrigation easement along the existing irrigation ditch. The applicant is not proposing to alter the existing ditch and does not have the right to take water from the irrigation ditch. (MVO Block 15, Lot 17A, AP Subdivision Application)
4. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
5. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and conditions shall be met prior to final plat approval:*
  - *The existing and proposed irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
  - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
  - *A notification that the lots within the subdivision do not have the right to take water from any irrigation infrastructure shall be included in the notifications document. (Condition 1)*

#### Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

#### **F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

##### Finding of Fact

Section 6-1-5(b)(1) states that minor subdivisions in which only one additional parcel is created are exempt from parkland dedication requirements.

##### Conclusions of Law

Park dedication is not applicable.

#### **G. Overall Findings and Conclusions on Prerequisite Requirements**

There is adequate evidence to demonstrate compliance with each prerequisite to approval.

#### **COMPLIANCE WITH APPLICABLE REGULATIONS**

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

#### **A. These regulations, including, but not limited to, the standards set forth in Chapter 5.**

##### Findings of Fact

1. The subdivision design as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (MVO Block 15, Lot 17A, AP Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (MVO Block 15, Lot 17A, AP Subdivision File)

##### Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

#### **B. Applicable zoning regulations.**

##### Findings of Fact

1. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Clerk & Recorder's Office)
2. The property is not within one of the voluntary zoning districts in Ravalli County. (MVO Block 15, Lot 17A, AP Subdivision File)

**Conclusion of Law**

There are no zoning regulations that apply to the property.

**C. Existing covenants and/or deed restrictions.**

**Findings of Fact**

1. There are existing covenants on the property. (MVO Block 15, Lot 17A, AP Subdivision File)
2. The covenants restrict development of the property to single family residences, which must be a minimum of 1,600 square feet on the main floor, and have a total square footage of 2,400. Commercial uses, except certain home occupations, are restricted on this property. Tracts cannot be subdivided into more than two parcels; minimum lot size must not be less than two and one-half acres. (MVO Block 15, Lot 17A, AP Subdivision File)

**Conclusion of Law**

The proposal appears to comply with existing covenants.

**D. Other applicable regulations.**

**Findings of Fact**

1. Following are regulations that may apply to this subdivision:
  - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
  - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
  - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
  - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
  - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The applicants were made aware of the applicable regulations at the pre-application conference held on August 22, 2007. (MVO Block 15, Lot 17A, AP Subdivision File)
3. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

**Conclusion of Law**

With the requirements of final plat approval, the application will meet all of the applicable regulations.

**E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:**

**CRITERION 1: EFFECTS ON AGRICULTURE**

**Findings of Fact:**

1. The proposed major subdivision on approximately 8 acres will result in 2 lots of approximately 4 acres each. The property is located northeast of Corvallis off Corvallis Hills Drive. (MVO Block 15, Lot 17A, AP Subdivision File)
2. The property has been used for pasture land in the past. (MVO Block 15, Lot 17A, AP Subdivision File)

3. Parcels to the east and northwest are classified for tax purposes as either vacant land rural. Parcels to the north, south, and southwest are classified for tax purposes as agricultural rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
4. Orchards Hills Estates, a nineteen-lot major subdivision of 81.57 acres located directly south of the proposed subdivision, was given conditional approval on May 13, 2008. (Ravalli County Planning Department Files)
5. According to the Web Soil Survey for Ravalli County, approximately 33% of the soils located on the property are categorized as "Prime farmland if irrigated." (MVO Block 15, Lot 17A, AP Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
6. There are soils on the property listed as Farmland of Local Importance on the Web Soil Survey. (MVO Block 15, Lot 17A, AP Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
7. In a letter dated August 27, 2008, State Conservationist Dave White of the Natural Resource Conservation Service confirmed that the NRCS soils staff would no longer utilize the farmland of local importance soils classification, per the request of the Bitterroot Conservation District. (Exhibit A-2)
8. During a phone conversation on September 24, 2008, Julie Ralston of the Bitterroot Conservation District summarized the reasoning for eliminating the farmland of local importance soils classification. (Exhibit A-3)
9. The applicants submitted a Ravalli County Subdivision Ground Disturbance and Noxious Weed Management Plan that stated Common Tansy and Spotted Knapweed were scattered on the property. (MVO Block 15, Lot 17A, AP Subdivision Application)
10. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
11. *Following are conditions and a requirement of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
  - *The applicant shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on loss of prime farmland. The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 12)*
  - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
  - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agriculture.

**CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

Findings of Fact

1. There are no water rights associated with this property. (MVO Block 15, Lot 17A, AP Subdivision Application)

2. The applicant is proposing a 10-foot wide irrigation easement over an existing irrigation ditch that runs through the middle of Lot 17A-1 and the northern third of Lot 17A-2. (MVO Block 15, Lot 17A, AP Subdivision File)
3. *Following are conditions and a requirement of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*
  - *All existing and proposed irrigation and drainage easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
  - *A notification stating that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications and covenants document. (Condition 1)*
  - *A notification stating that lots within this subdivision do not have the right to take water from any irrigation infrastructure shall be included in the notifications and covenants document. (Condition 1)*

#### Conclusion of Law

With the mitigating conditions of approval and requirement of final plat approval, there will be minimal impacts on agricultural water user facilities.

#### **CRITERION 3: EFFECTS ON LOCAL SERVICES**

##### Findings of Fact:

##### Fire Department

1. The subdivision is located within the Corvallis Rural Fire District. (MVO Block 15, Lot 17A, AP Subdivision File)
2. Notification letters were sent to the Corvallis Rural Fire District requesting comments on June 6, 2008, and December 9, 2008. (MVO Block 15, Lot 17A, AP Subdivision File)
3. An email dated June 25, 2008, states that Assistant Chief Don Hall reviewed the subdivision and has no concerns on the proposal. (Exhibit A-4)
4. The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards (outlined in a document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-5)
5. In a letter dated May 29, 2008, the Corvallis Fire District has requested an increase in the donation per-lot in lieu of water supply from \$500-per-lot to \$900-per-lot. (Exhibit A-6)
6. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
  - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
  - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
  - *Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$900-per-lot contribution has been made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
  - *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information." (Condition 6)*

#### School District

7. The proposed subdivision is located within the Corvallis School District. (MVO Block 15, Lot 17A, AP Subdivision Application)
8. It is estimated that .5 school-aged children will be added to the Corvallis School District, assuming an average of 0.5 children per household. (Census 2000)
9. The applicant is proposing to contribute \$500 to the School District. (MVO Block 15, Lot 17A, AP Subdivision Application)
10. Notification letters were sent to the Corvallis School District requesting comments on June 6, 2008, and December 9, 2008. (MVO Block 15, Lot 17A, AP Subdivision File)
11. In a letter received June 12, 2008, Daniel Sybrant, Corvallis Schools Superintendent, stated that new subdivisions "certainly create added costs to this school district." Additionally, he stated the following: (Exhibit A-7)
  - (a) The recently completed impact fee study for the Corvallis School District indicates that \$6800.00 per lot is requested to offset the costs to capital facilities.
  - (b) That the BCC should negotiate a fair fee with developers that will help offset the actual costs of educating additional children.
  - (c) That bus turnouts as well as shelters for students to stand under in inclement weather should be installed where appropriate.
12. Even though the Corvallis School District has completed an impact fee study, Ravalli County has not adopted impact fees to date for the Corvallis School District. The County cannot request a contribution for capital expenses until an impact fee has been adopted. (MCA 7-6-1603)
13. In his June 12, 2008 letter, Mr. Sybrant includes the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the tax levy per pupil, excluding capital, would be \$5,808 for the Corvallis School District. (Exhibit A-7)
14. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-8)
15. The Preliminary Plat Decision for the Orchard Hills Estates Subdivision, located directly south of the proposed subdivision, states that the subdivider of Orchard Hills Estates shall construct a school bus turnout lane on the Mountain View Orchards Road frontage of the property, near the intersection of Corvallis Hills Drive with Mountain View Orchards Road. Alternatively, the applicant shall submit documentation from the Corvallis School District that states they do not require a turnout on the property. In addition, the preliminary plat application has a condition requiring the construction of an off-road bus shelter near the intersection of Corvallis Hills Drive and Mountain View Orchards Road. (Ravalli County Planning Department Subdivision File)
16. Although there is no way to ensure that the final plat for this subdivision shall be submitted or that these conditions will be met, the addition of one parcel does not appear to warrant a bus turnout or shelter. (Staff Determination)
17. *The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Corvallis School District. The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)*

#### Public Safety

18. The Ravalli County Sheriff's Office provides law enforcement services to this area. (MVO Block 15, Lot 17A, AP Subdivision File)
19. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on June 6, 2008, and December 9, 2008, but no comments have been received from the Sheriff's Office. (MVO Block 15, Lot 17A, AP Subdivision File)



20. This proposed subdivision is located approximately 11 miles from the Sheriff dispatch in Hamilton. (MVO Block 15, Lot 17A, AP Subdivision File)
21. The average number of people per household in Ravalli County is 2.5. (Census 2000)
22. This proposal will add approximately 2.5 people to Ravalli County. (Census 2000)
23. The applicant is not proposing a contribution to the Sheriff's Office, E-911, or the Department of Emergency Services for the potential 2.5 additional people. (MVO Block 15, Lot 17A, AP Subdivision File)
24. *The applicant shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 8)*

#### Roads

25. There are two proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 16 vehicular trips per day, assuming eight trips per day per lot. (MVO Block 15, Lot 17A, AP Subdivision File)
26. Popham Lane and Mountain View Orchards Road, County maintained roads, provide access to the site. (MVO Block 15, Lot 17A, AP Subdivision File and Ravalli County GIS Data)
27. The applicant is required to pay pro rata towards improving Popham Lane and Mountain View Orchards Road. (Section 5-4-5, RCSR)
28. The preliminary pro rata estimate information included in the application infers that that the applicant will be required to contribute approximately \$3,828.66 in pro rata funds. (RCSR and MVO Block 15, Lot 17A, AP Subdivision Application)
29. Corvallis Hills Drive is a non-County maintained road that meets current County road standards. (MVO Block 15, Lot 17A, AP Subdivision File and Exhibit A-1)
30. The application states that there is an existing Road Maintenance Agreement for Corvallis Hills Drive, although one was not submitted with the application. (MVO Block 15, Lot 17A, AP Subdivision File)
31. The existing easement for Mountain View Orchards Drive is 50 feet. (MVO Block 15, Lot 17A, AP Subdivision File)
32. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
  - *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
  - *The applicant shall provide evidence that they have joined an existing road maintenance agreement for Corvallis Hills Drive or provide a new, signed, and notarized Road Maintenance Agreement for Corvallis Hills Drive. The Road Maintenance Agreement shall state that other parcels that may have beneficial use of the roads shall be allowed to join as members of the agreement without the consent of the current members. (Condition 9)*
  - *A notification of the Road Maintenance Agreement for Corvallis Hills Drive shall be included in the notifications document filed with the final plat. (Condition 1)*
  - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
  - *The final plat shall show a no-ingress/egress zone along Mountain View Orchards Drive. (Condition 10 and Final Plat Requirement 2)*
  - *A notification of this limitation of access will be included in the notifications document. (Condition 1)*
  - *An additional 5 feet of public road and utility easement will be dedicated to Mountain View Orchards Road on the subdivision plat. (Condition 11)*

#### Ambulance Services

33. Ambulance services will be provided by either Marcus Daly Memorial Hospital EMS Department or Missoula Emergency Services.
34. Notification letters were sent to the Marcus Daly Memorial Hospital EMS requesting comments on June 6, 2008, and December 9, 2008, but no comments have been received to date. (MVO Block 15, Lot 17A, AP Subdivision File)
35. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

#### Water and Wastewater Districts

36. Individual wells and wastewater treatment systems are proposed to serve both lots. The property is not near any municipal water or wastewater systems. (MVO Block 15, Lot 17A, AP Subdivision File)

#### Solid Waste Services

37. Bitterroot Disposal provides service to this site. (MVO Block 15, Lot 17A, AP Subdivision File)
38. Notification letters were sent to Bitterroot Disposal requesting comments on June 6, 2008, and December 9, 2008, but no comments have been received. (MVO Block 15, Lot 17A, AP Subdivision File)

#### Mail Delivery Services

39. An existing Collective Box Unit is located at the northeast corner of the intersection of Mountain View Orchards Road and Corvallis Hills Drive. (Staff Site Visit, November 19, 2008)
40. The Corvallis Post Office was contacted via a notification letter on June 6, 2008, and December 9, 2008, but no comments have been received. (MVO Block 15, Lot 17A, AP Subdivision File)

#### Utilities

41. The proposed subdivision will be served by NorthWestern Energy and Qwest Communications. Utility companies have been notified of the proposed subdivision. (MVO Block 15, Lot 17A, AP Subdivision File)
42. Notification letters were sent to the utility companies requesting comments on June 6, 2008, and December 9, 2008, but no comments have been received to date. (MVO Block 15, Lot 17A, AP Subdivision File)
43. *The following requirements will mitigate impacts of the subdivision on local utilities:*
  - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
  - *The applicant shall submit utility availability certifications from NorthWestern Energy and Qwest Communications prior to final plat approval. (Final Plat Requirement 13)*

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

#### **CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT**

##### Findings of Fact:

##### Air Quality

1. In a letter dated November 9, 2007, the Montana Department of Environmental Quality (DEQ) identified the Hamilton and Missoula as areas that failed to meet the National Ambient Air Quality Standards for particulate matter. There are no gravel roads accessing the subdivision. (Exhibit A-9)
2. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5

particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)

3. *To mitigate impacts on air quality, the notifications shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 1)*

#### Ground/Surface Water

4. According to the application, there are no natural surface water sources on or within 300 feet of the property. (MVO Block 15, Lot 17A, AP Subdivision File)
5. The applicants are proposing individual wells and wastewater treatment facilities for all lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (MVO Block 15, Lot 17A, AP Subdivision File)
6. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-10, MCA 76-3-622)
7. *The following conditions and requirements shall be met prior to final plat approval:*
  - *The applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

#### Light Pollution

8. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, [www.darksky.org](http://www.darksky.org))
9. *To mitigate the impacts of light pollution stemming from new construction, the notifications document shall include a provision recommending full cut-off lighting on new construction. (Condition 1)*

#### Vegetation

10. The applicants submitted a Ravalli County Ground Disturbance and Noxious Weed Management Plan that stated Common Tansy and Spotted Knapweed were scattered on the property. (MVO Block 15, Lot 17A, AP Subdivision Application)
11. The Montana Natural Heritage Program found that there were no plant species of concern within the same section as the subject property (MVO Block 15, Lot 17A, AP Subdivision Application).
12. Apart from the irrigation ditch, there do not appear to be any riparian areas located on the property. (Staff Site Visit, November 19, 2008)
13. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
14. *To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

#### Archaeological Resources

15. There are no known sites of historical significance on the property. (MVO Block 15, Lot 17A, AP Subdivision Application)
16. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or*

*building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate.” (Condition 2)*

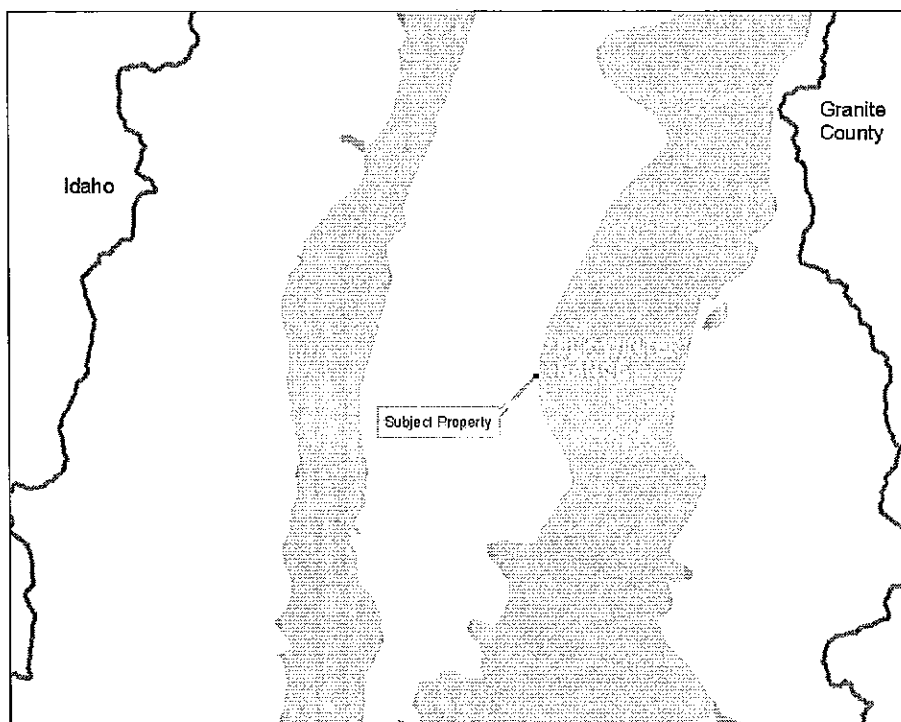
**Conclusion of Law:**

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

**CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT**

**Findings of Fact:**

1. In a letter received October 21, 2008, FWP stated that this property has a general possibility of human/wildlife conflict and recommended including “living with wildlife” covenants. (Exhibit A-11)
2. FWP stated that wildlife such as elk, mule deer, white-tailed deer, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie may be found in the area of the proposed subdivision. The proposed subdivision is part of the winter-spring range for mule deer population, and FWP observed around 50 mule deer adjacent to the property in April 2008. (Exhibit A-11)
3. The Montana Natural Heritage Program identified that the grey wolf, Townsend’s big-eared bat, and the bobolink were located within the same section as the proposed subdivision. (MVO Block 15, Lot 17A, AP Subdivision File).
4. In June 2008, a sensitive species waiver request was granted by Renee Lemon, who at the time was the Senior Planner for the Ravalli County Planning Department, based on the lack of suitable habitat for the identified species. (Exhibit A-12)
5. Map 2 shows the elk winter range boundaries in relation to Mountain View Orchards Block 15, Lot 17A, AP at a scale of 1:250,000. The data was created by FWP and the Rocky Mountain Elk Foundation at a scale of 1:250,000 and should not be used at a larger scale (zoomed in closer to the proposed subdivision). At this scale, the property appears to be located on the periphery of the winter range.



**Map 2: Elk Winter Range**  
(Source Data: FWP)

6. *To mitigate impacts on wildlife, the covenants shall include a living with wildlife section. (Condition 2)*

Conclusion of Law:

With the mitigating condition of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

**CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY**

Findings of Fact:

Traffic Safety

1. Access is proposed off Popham Lane, Mountain View Orchards Road, and Corvallis Hills Drive. (MVO Block 15, Lot 17A, AP Subdivision File)
2. Jennifer De Groot spoke with Bob Cron, of the Ravalli County Park Board, on December 19, 2008, regarding this subdivision. He stated that the Park Board did not comment on the subdivision because there was no parkland dedication required. In addition, he saw no need for a trail due to the size of the proposal and its location. (Exhibit A-13)
3. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

4. The proposed subdivision will be served by the Corvallis Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, Missoula Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (MVO Block 15, Lot 17A, AP Subdivision File)

5. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

#### Water and Wastewater

6. The applicants are proposing individual wells and wastewater treatment facilities for all lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (MVO Block 15, Lot 17A, AP Subdivision File)
7. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-10, MCA 76-3-622)
8. *The applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

#### Natural and Man-Made Hazards

9. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
10. According to the Web Soil Survey for Ravalli County, there are no soils rated as "very limited" or "severe" for building or road construction. (MVO Block 15, Lot 17A, AP Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
11. *To mitigate the impacts of this subdivision on public health and safety, the following conditions shall be met:*
  - *To mitigate the impacts of light pollution stemming from new construction, the notifications document shall include a provision recommending full cut-off lighting on new construction. (Condition 1)*
  - *The notifications document shall include a statement regarding radon exposure. (Condition 1)*

#### Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

# EXHIBIT A -1

RECEIVED  
OCT 06 2008  
IC-08-10-119  
Ravalli County Planning Dept.

David Ohnstad

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**From:** David Ohnstad  
**Sent:** Wednesday, October 01, 2008 4:37 PM  
**To:** John Lavey  
**Cc:** 'Ronald M. Uemura'  
**Subject:** orchard hills drive - devries asp

John -

We will delivery copy of a request for design exception for Orchard Hills Drive relative to the DeVries ASP subdivision.

We will approve this request and accept that Orchard Hills Drive conforms to current design standards. Note that this approval applies only to the subject project.

Any future projects accessing through this route will be required to demonstrate that the roadway has the capacity to accommodate the additional demand.

David

---

**From:** David Ohnstad  
**Sent:** Saturday, January 26, 2008 2:06 PM  
**To:** 'applebury@cybernet1.com'  
**Cc:** John Lavey; 'Jonathan Gass'  
**Subject:** RE: orchard hills drive

Terry -

We have reviewed the materials you delivered regarding the existing Corvallis Hills Drive. The analysis by Orion Engineering would appear to support the suggestion that the existing roadway conforms to the adopted county roadway design standards, with the exception of the crushed aggregate base underlying the asphalt pavement. Orion's analysis appears to support that the structural capacity is realized despite the lack of that aggregate base. We will accept this analysis provided that a completed (signed and stamped) Design Exception request is submitted, for our approval, that identifies the exception (lack of crushed aggregate base) and proposes as mitigation the report from Orion that demonstrates that the roadway still has the necessary structural capacity. Additionally, the existing roadway will require the sealing of any pavement cracking followed by the placement of a Bituminous Surface Treatment (chip seal) to bring the surface condition to an acceptable standard.

Upon submittal of that request in the standard Design Exception format we will approve the request and accept the existing Corvallis Hills Drive as conforming to the county's adopted design standards, with the understanding that the BST will be placed on the existing roadway prior to a request for final plat approval.

David

# EXHIBIT A-2

United States Department of Agriculture



Natural Resources Conservation Service  
Federal Building, Room 443  
10 East Babcock  
Bozeman, MT 59715

RECEIVED

SEP 12 2008  
10809-1009  
Ravalli County Planning Dept.

Office: (406) 587-6811  
Fax: (406) 587-6761

August 27, 2008

Tom Ruffatto  
Chairman  
Bitterroot Conservation District  
1709 North First Street  
Hamilton, Montana 59840

Dear Mr. Ruffatto:

This letter is in response to the Bitterroot Conservation District's request to withdraw Ravalli County Locally Important Farmland designations that were approved April 9, 2007. I concur with your request and will instruct the NRCS soils staff to eliminate that designation for soils in Ravalli County. Prime and Statewide Importance designations will still remain.

Any further questions or discussion, please feel free to contact me.

Sincerely,

*Steve Becker, Acting*

DAVE WHITE  
State Conservationist

cc:

Henry Burkwhat, District Conservationist, NRCS, Hamilton, MT  
Craig Engelhard, Assistant State Conservationist for Field Operations, NRCS, Missoula, MT  
Chuck Gordon, State Soil Scientist, NRCS, Bozeman, MT  
Jay Skovlin, Project Leader, NRCS, Hamilton, MT

HELPING PEOPLE HELP THE LAND

An Equal Opportunity Provider and Employer



# EXHIBIT A-3

**From:** John Lavey

**Sent:** Wednesday, September 24, 2008 10:56 AM

**To:** Planning; Jennifer Degroot; Tristan Riddell; Renee Lemon; Randy Fifrick; Laura Hendrix; Vanessa Morrell

**Cc:** Carlotta Grandstaff; James Rokosch; Greg Chilcott; Kathleen Driscoll; Alan Thompson

**Subject:** Farmlands of Local Importance - Background

All,

I spoke with Julie Ralston today from the Bitterroot Conservation District, who provided me with the following background information regarding the elimination of the Farmlands of Local Importance category from the NRCS soil classifications. Without going into too much detail, the Farmlands of Local Importance soil classification was included in the overall soil assessment to provide cost-sharing incentives to landowners who were considering conservation easements. However, Congress recently passed a national farm bill that included the formulation of a new program that essentially provides the same incentive to landowners as the Local Important soils classification once did. The Environmental Quality Incentive Program (EQulP) is not site specific, unlike Farmlands of Local Importance, and therefore provides the baseline cost-sharing incentive to any landowner in the County. Because the federal government provided this blanket incentive to all landowners, there existed no reason for the BCD to continue assessing properties based on the likelihood of them having Locally Important soils. The BCD then petitioned the NRCS to drop that classification, and it did.

Additionally, Julie noted that the Locally Important farmland classification was being used by the local government to assess fees during subdivision review – against the request of the BCD. Several BCD board members expressed concerns that the classification was not intended to be used as leverage to “tax” (her words) landowners for subdividing. Julie was clear to note that this was not the primary reason for requesting elimination of the Locally Important classification.

Best,

John Lavey  
Ravalli County Planning Department  
215 South 4th Street, Suite F  
Hamilton, MT 59840  
406.375.6530



Think Green -

please do not print this email unless necessary

# EXHIBIT A-4

**Tristan Riddell**

---

**From:** Wendy Madsen [cvfd@cybernet1.com]  
**Sent:** Wednesday, June 25, 2008 12:52 PM  
**To:** Tristan Riddell  
**Subject:** Mountain View Orchards, Block 15, Lot 17A, AP Minor Subdivision

Asst. Chief Don Hall reviewed this subdivision and we have no concerns with the proposal.

Regards,

Wendy Madsen  
Administrative Asst.  
Corvallis Rural Fire District  
(406) 370-7126 cellular  
(406) 961-4432 fax

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.4.1/1518 - Release Date: 6/25/2008 9:46 AM

7/1/2008

for all  
districts.

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SEP 13 2005

**H**amilton  
Rural Fire  
DISTRICTConsensus of All Valley Fire  
Council.

Ravalli County Planning Dept.

IC-05-09-1707

Post Office Box 1994 Hamilton, MT 59840

## FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

### ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

**18.2.2.3.1 Required Access.** Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

**18.2.2.5.1 Dimensions.** Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may included a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

**18.2.2.5.2 Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

**18.2.2.5.6 Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

**EXCEPTIONS: 1.** When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

**While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.**

**SPECIFIC REQUIREMENTS:**

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

**BUILDING STANDARDS**

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

**WATER SUPPLY**

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

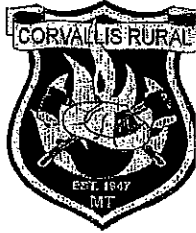
The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

**EXCEPTIONS: 1.** When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

# EXHIBIT A-6

RECEIVED

JUN 02 2008  
100806-715  
Ravalli County Planning Dept.



CORVALLIS RURAL FIRE DISTRICT  
PO BOX 13  
CORVALLIS, MT 59828  
(406) 961-4432

May 29, 2008

Planning Department  
215 South 4<sup>th</sup> Street; Suite F  
Hamilton, MT 59840

Re: Corvallis Rural Fire District/Subdivision Fees

To Whom It May Concern:

Enclosed please find a copy of our Resolution No. 08-04. After review of our actual expenses for hydrants, water tenders, and water supplies since inception of the subdivision fees, we have determined that we have spent over \$900.00 a lot for water supply. The Corvallis Rural Fire District has adopted Resolution 08-04 effective immediately and asks that you please change your documentation requesting \$500.00 a lot to \$900.00 a lot in lieu of a water source.

Thank you,

A handwritten signature in black ink, appearing to read "James Knapp", is written over a horizontal line.

Chief James Knapp  
Corvallis Rural Fire District  
(406) 360-4371



CORVALLIS RURAL FIRE DISTRICT  
PO BOX 13  
CORVALLIS, MT 59828

RESOLUTION # 08-04

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CORVALLIS RURAL FIRE DISTRICT RELATING TO INCREASING SUBDIVISION FEES FOR WATER SUPPLIES:

WHEREAS, the district has imposed a fee for subdivisions without water systems so the district is able to purchase water carrying firefighting apparatus or develop water supplies; and,

WHEREAS, when establishing the requirements, emphasis was given to the Uniform Fire code, Articles 9 and 10, and Appendix III-S, the Ravalli County Subdivision Regulations, the Ravalli County Road Department standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development; and,

WHEREAS, in order for the Corvallis Rural Fire District to be properly equipped to protect life and property of the residents of the district, as well as the personnel who are called upon to protect the district, and to mitigate harm to the public health and environment; and


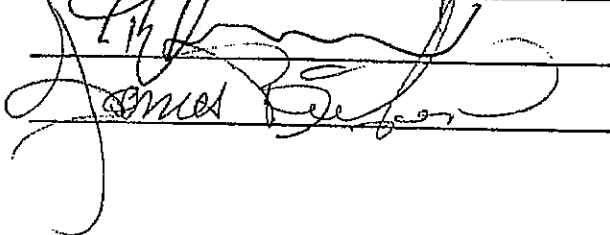
WHEREAS, the district has tracked expenditures for water carrying firefighting apparatus and developing water supply and feels the current subdivision fee is not adequate.

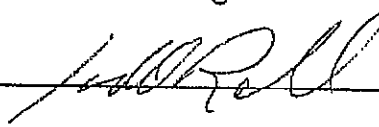
THEREFOR BE IT RESOLVED BY THE BOARD OF TRUSTEES THAT:

The Corvallis Rural Fire District has raised the required subdivision fee to \$900.00 per lot effective immediately.

PASSED AND APPROVED THIS 21<sup>st</sup> DAY OF May, 2008.

BOARD MEMBER SIGNATURES



# Corvallis School District #1

P.O. Box 700 / 1045 Main  
Corvallis, MT 59828

Phone: (406) 961-4211 Fax: (406) 961-5144

**RECEIVED**

JUN 12 2008  
IC-08-06-749  
Ravalli County Planning Dept.

**Daniel B. Sybrant**  
Superintendent  
961-4211

**Trevor Laboski**  
Principal  
High School  
961-3201

**Jason Wirt**  
Assistant Principal  
High School  
961-3201

**Rich Durgin**  
Principal  
Middle School  
961-3007

**Eric Larson**  
Assistant Principal  
Middle School  
961-3007

**Janice Stranahan**  
Principal  
Primary School  
961-3261

**Virginia Haines**  
Special Services  
Director  
961-3201

**Russ Hendrickson**  
Technology Director  
961-3201

**Wendy Ihde**  
Curriculum Director  
961-8772

**Vannesa Bargfrede**  
Business Manager  
District Clerk  
961-4211

June 10, 2008

Mr. Tristan Riddell  
Planning Department  
215 South 4<sup>th</sup> Street, Suite  
Hamilton Montana 59840


Agency Comment on Mountain View Orchards, Block 15, Lot 17A-AP Minor  
Subdivision

Dear Mr. Riddell:

Thank you for the opportunity to comment on this subdivision. New subdivisions certainly create added costs to this school district. Not only is there cost for operations, but facilities as well. The Corvallis School District has recently completed an Impact Fee Study that allows up to \$6800.00 per septic permit for school construction. In addition to this, we have significant costs for operations for each additional student that comes into the district. I have enclosed for your review an estimate of what it costs to educate children in the Corvallis School District. For this and future subdivision requests, we ask you and the commissioners to negotiate a fair fee with developers that will help offset the actual costs of educating additional children. We also ask for appropriate bus turnouts as well as shelters for students to stand under in inclement weather where appropriate.

Again, thank you for the opportunity to comment on this subdivision.

Sincerely,

  
Daniel B. Sybrant  
Superintendent  
Corvallis School District

**EXHIBIT A-7**



## Budget Per Pupil/Tax Levy Per Pupil

Year                      2006-07

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	8,311,918	1,431	5,808
Stevensville Elem	4,240,944	582	7,287
Stevensville HS	3,760,312	450	8,356
Hamilton	9,924,343	1,558	6,370
Victor	2,125,504	316	6,726
Darby	3,718,565	458	8,119
Lone Rock Elem	1,757,258	292	6,018
Florence	5,655,692	991	5,707

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect only budget and revenue only from state and county sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil	Total Capital	Tax Capital Per Pupil	Total Tax Levy	Tax Levy Per Pupil
Corvallis	1,604,715	1,431	738,993	1,638	251,788	175.95	2,595,496	1,814
Stevensville Elem	866,142	582	392,769	2,163	114,896	197.42	1,373,807	2,360
Stevensville HS	1,142,259	450	344,437	3,304			1,486,696	3,304
Hamilton	2,694,239	1,558	883,021	2,296	886,052	568.71	4,463,312	2,865
Victor	60,993	316	201,481	831	80,803	255.71	343,277	1,086
Darby	898,318	458	400,506	2,836	80,794	176.41	1,379,618	3,012
Lone Rock Elem	364,386	292	189,825	1,898	107,770	369.08	661,981	2,267
Florence	1,196,601	991	552,197	1,765	68,777	69.40	1,817,575	1,834

\* County levied Retirement and Transportation

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OCT 15 2007

IC-07-10-1305  
Ravalli County Planning Dept.

Ravalli

County  
MONTANA

EXHIBIT A-8

RECEIVED

OCT 15 2007

Ravalli County Commissioners

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October 15, 2007

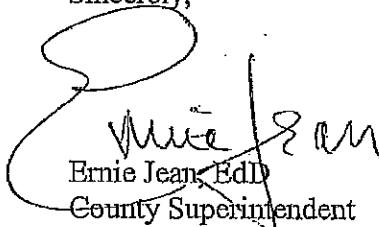
James Rokosch, Chair  
Ravalli County Commissioners  
215 South 4<sup>th</sup> Street, Suite A  
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

  
Ernie Jean Eddy  
County Superintendent



Montana Department of  
**ENVIRONMENTAL QUALITY**

Brian Schweitzer, Governor

P. O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • [www.deq.mt.gov](http://www.deq.mt.gov)

## EXHIBIT A-9

November 9, 2007

Dear Interested Party:

The U.S. Environmental Protection Agency (EPA) recently revised the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The NAAQS are nation-wide air quality standards established to protect the public from unhealthy levels of air pollution. EPA's revised PM NAAQS took effect on December 18, 2006.

The Montana Department of Environmental Quality (DEQ) evaluated air quality monitoring data across the state and determined that Missoula, Lincoln, and Ravalli Counties fail to meet the PM NAAQS. The Governor is required to notify EPA of all counties violating the PM NAAQS by December 18, 2007. EPA is then required to take final action on the Governor's recommended "nonattainment area" list by December 18, 2008 and officially confirm their status as nonattainment areas. As a consequence of EPA designation of nonattainment, Congress directs states to submit a federally enforceable air pollution control plan to EPA for approval.

In Ravalli County, new air quality regulations on motor vehicles, wood stoves, open burning, and industrial operations must be developed and will likely affect many county residents. Proactively, DEQ would like to work with local governments, the potentially regulated community, and other interested parties to identify and develop the new regulations to control the sources of particle matter air pollution in Ravalli County. DEQ representatives will hold the initial meeting with interested parties in the Ravalli County Commission meeting room on Wednesday, December 12, 2007 from 1 to 3 PM.

If you have any questions, please contact me or Bob Habeck ([bhabeck@mt.gov](mailto:bhabeck@mt.gov) or 444-7305). Please feel free to copy and distribute this notice to any parties you believe might be interested in this matter. Thank you for your efforts in protecting Ravalli County's clean air resource.

Robert K. Jeffrey  
Air Quality Specialist  
Air Resources Management Bureau  
Montana Dept. of Environmental Quality  
POB 200901 Helena, MT 59620-0901  
Voice (406)444-5280; fax 444-1499  
[rjeffrey@mt.gov](mailto:rjeffrey@mt.gov)

## SUBDIVISION APPLICATION PACKET CHECKLIST - Water and Sanitation Information Per MCA 76-3-622

Name of Subdivision: MVD, B 15, Lot 17ASubdivider/Landowner Name(s): DeVriesConsultant Name: Applebury Survey

Date Received:

Sufficiency Review Due Date:

Yes	No	N/A	Item	Additional Information/Staff comments
-----	----	-----	------	---------------------------------------

(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.

			Provide two copies of the following information with a check paid to RCEHD for their \$50.00 sufficiency review fee.	
			(a) Vicinity Map or Plan	
			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
			(A) flood plains	
			(B) surface water features	
			(C) springs	
			(D) irrigation ditches	
			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	
			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

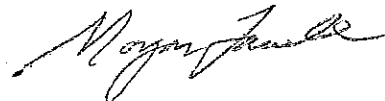
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OCT 21 2008

**EXHIBIT A-10**

Ravalli County Planning Dept.

Yes	No	N/A	Item	Additional Information/Staff comments
			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	
			(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	
			(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	
			(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);	
			(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
			(i) obtained from well logs or testing of onsite or nearby wells;	
			(ii) obtained from information contained in published hydrogeological reports; OR	
			(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
			(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.





# **Montana Fish, Wildlife & Parks**

## **EXHIBIT A-11**

Region 2 Office  
3201 Spurgin Road  
Missoula, MT 59804-3101  
406-542-5500  
Fax 406-542-5529  
October 21, 2008

Tristan Riddell  
Ravalli County Planning Dept.  
215 S. 4<sup>th</sup> St., Ste. F  
Hamilton, MT 59840

Reference: Mountain View Orchards, Lot 17A (Blk 15)--Proposed minor (2 lots on 8.0 acres;  
E2 Sec 23, T7N, R20W; DeVries) subdivision, ~3 miles NE of Corvallis

Dear Mr. Riddell:

We have reviewed the preliminary amended plat for this proposed subdivision. We also reviewed this parcel and its surrounds on the Montana Cadastral website (<http://gis.mt.gov/>) and the US Geological Survey topographic map for this locale. Based on reviewing this information and our field knowledge of the location, our comments and recommendations follow.

This subdivision is located in the lower foothills that rise easterly towards the Sapphire Mountains. In addition to Dry Creek flowing about one-quarter mile south of this subdivision, there are nearby natural drainage channels/gulches and topographic features favored by wildlife as habitat and movement corridors, as well as nearby agricultural fields and canals. The proposed subdivision is part of the winter-spring range for a mule deer population, and FWP observed about 50 mule deer immediately adjacent to this property in April 2008. This property likely functions as a movement corridor between undeveloped blocks of native rangeland. Other wildlife such as elk, white-tailed deer, coyote, fox, and skunk are found in the area, as well as an occasional black bear or possible mountain lion, and numerous small mammal and bird species. There is a general possibility of human/wildlife conflicts at this location if residents do not pay attention to careful handling of garbage, pet control, etc. We recommend that a "living with wildlife" section be included in the covenants for this subdivision in order to help future homeowners deal with and avoid potential wildlife issues. We have attached a copy of our recommendation.

Thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

*/s/ Mack Long*

Mack Long  
Regional Supervisor

ML/sr

Wildlife Covenants for Mountain View Orchards, Lot 17A (Blk 15; DeVries) subdivision, recommended by Montana Fish, Wildlife & Park; Missoula; October 21, 2008

## Section \_\_: Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as elk, mule deer, white-tailed deer, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners “live with wildlife.” Alternatively, see FWP’s web site at <http://fwp.mt.gov>.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on “all-species electric fencing” designed to exclude wildlife from gardens and/or home areas.)
- c. All **garbage** should be stored in bear-resistant containers or indoors. If stored indoors, garbage may not be taken outdoors until the morning of garbage pick-up and containers must be brought back in that evening. Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash storage sites. (If home sites are occupied seasonally, all garbage from the home and other buildings must be removed from the property before closing up for the season.)
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in “an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer can attract mountain lions to the area.

- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.
- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)
- l. **Apiaries (bee hives)** could attract bears in this area. If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.
- m. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (County Commissioners).



## EXHIBIT A-12

June 12, 2008

Re: Sensitive Species waiver, MVO, B15, L17A, Minor Subdivision

Renee-

I reviewed the Sensitive Species Waiver request prepared for the MVO, B15, L17A, Minor Subdivision on June 12, 2008. Montana Natural Heritage Program data indicated that the Grey Wolf, Townsend's Big-Eared Bat, and the Bobolink are located within the section. The waiver request states that the subject property does not provide suitable habitat for the aforementioned species.

Based on the lack of suitable habitat for the listed species, and the fact that the polygons representing two of the identified species just touch the northwest corner of the section the subdivision is located, I would recommend granting of the waiver request.

Please find attached the waiver request from Applebury Survey and the MNHP data and map.

Please review and provide comment.

Thank you-

Tristan

*Agreed. Waiver granted.*

*R2*

# EXHIBIT A-13

## Phone Conversation with Bob Cron

December 19, 2008

Jennifer De Groot called Bob Cron regarding parks and trails recommendations from the Park Board on the Mountain View Orchards Block 15, Lot 17A, AP subdivision. Due to the fact that no parkland dedication was required, the Park Board was not notified of the subdivision with the normal agency letters. Jennifer was calling Mr. Cron to see if he recommended any type of trails for this subdivision. He said that based on the small size and location of the subdivision, he saw no need for a trail.

A handwritten signature in black ink, appearing to read "Jennifer De Groot". The signature is written in a cursive, flowing style.